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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/704,400	08/27/1996	RENATE M. SOMBROEK	PHN14.491A	9135

7590

12/02/2002

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/704,400

Applicant(s)

SOMBROEK ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/02 has been entered.

Response to Amendment

2. The amendment filed on 11/13/02 cancelled claims 18-23 and added new claims 24-33.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 24-33 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 24 and 30:

Both of these new claims have the same limitation that is not supported by the originally filed disclosure. The unsupported limitation is "said user-interface operable to sense a user-desired displacement speed of the cursor based on movement of said user-interface by a user". The description of the user-interface at the time of filing this application did not tell one of ordinary skill in the art how to sense a user-desired displacement speed of the cursor. At the time of filing applicant described a user-interface that upon activation of the user-interface the cursor is moved at a relatively low speed during a predetermined time interval and after the predetermined time interval has elapsed the cursor is moved at a relatively high speed and when the cursor is close to the destination area the user releases the user-interface, thereupon activating the user-interface again to start the predetermined time interval during which the cursor homes in on the destination area with a relatively low speed (Applicant's specification at page 2 lines 16-24 and at page 5 lines 27-31). Applicant also disclosed the cursor speed being continuously variable to the high speed (Applicant's specification at page 5 line 32 to page 6 line 1). Thus, it is clear that applicants originally filed specification conveyed that the user-interface device did not sense a user-desired displacement speed of the cursor based on movement of said user-interface by a user, since the speeds produced by the user-interface device were low then high and alternatively was variable, therefore, the user-interface device produced its own displacement speed of the cursor based on movement of said user-interface by a user. Applicant is claiming that movement of said user-interface by a user causes the user-interface device to

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control the displacement speed of the cursor according to the user's desired displacement speed of the cursor, however, there is no means to allow the user to enter his desired displacement speed of the cursor. As discussed above the displacement speed of the cursor increases with time as the user activates the user-interface device up to an upper high speed. Thus, it is clear that at the time of filing this application applicant did not have in his possession that which is currently claimed.

Claim 28:

In this claim applicant claims "at least timing signal indicative of the user-desired displacement speed". This is not supported by the specification for the reasons given above.

Claims 25-27, 29, and 31-33:

These dependent claims are rejected for the same reasons that their parent claims are rejected, since they do not overcome that rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 24-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato, Japanese patent application publication no. 1-200285.

These new claims are broader than the claims decided by the Board of Patent Appeals. In these claims the cursor displacement speed determination is not limited to the user-interface device but may be as in Kato located at the processor. The alternative language in the last five lines of claim 24 and in the last six lines of claim 30 renders these claims to claim the same cursor displacement control that Kato performs. The same applies to the alternative language present in claims 25 and 29. The vertical timing signal of claims 26 and 32 and the horizontal timing signal of claims 27 and 33 is described generically by Kato with reference to a generic keyboard cursor key, since the cursor key of a keyboard has both horizontal and vertical cursor keys, then, Kato is inherently describing horizontal and vertical cursor control and the associated horizontal and vertical timing signals. The counter of claim 28 is described by Kato in the translation of Kato in the paragraph spanning at pages 4-5. The pre-specified number being a predetermined time interval of claim 31 is taught in the translation of Kato at page 7 first full paragraph (time t).

Claim Objections

7. Claim 28 is objected to because of the following informalities: The claimed "at least timing signal indicative of the user-desired displacement speed" is not grammatically correct and should be rewritten as "at least a timing signal indicative of the user-desired displacement speed". Appropriate correction is required.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

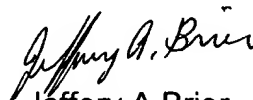
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Jeffery A Brier
Primary Examiner
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